

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

PAMELA A. BAUGHER,

Plaintiff,

v.

KADLEC HEALTH SYSTEM,

Defendant.

NO: 12-CV-5129-TOR

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

BEFORE THE COURT is a document filed by *pro se* Plaintiff Pamela Baugher captioned “Plaintiff’s Motion to Deny Defendant’s Motion to Dismiss” (ECF No. 7). On November 15, 2012, the Court ordered the parties to show cause why it should not construe this filing as a notice of voluntarily dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). ECF No. 8. The Court advised the parties that failure to respond by December 7, 2012, would result in dismissal of this lawsuit without prejudice. Defendant filed a timely response indicating that it did not oppose dismissal without prejudice. ECF No. 9. As of the date of this Order, Plaintiff had not filed a response. Accordingly, the Court will construe Ms.

1 Baugher's "Motion to Deny Defendant's Motion to Dismiss" (ECF No. 7) as a  
2 notice of voluntary dismissal and will dismiss this lawsuit without prejudice and  
3 without fees or costs to either party. Fed. R. Civ. P. 41(a)(1)(A)(i).

4 **ACCORDINGLY, IT IS HEREBY ORDERED:**

5 All claims and causes of action in this matter are **DISMISSED** without  
6 prejudice and without costs or fees to any party. All pending motions are  
7 **DENIED** as moot.

8 The District Court Executive is hereby directed to enter this Order, furnish  
9 copies to Plaintiff and counsel for Defendant, and **CLOSE** the file.

10 **DATED** this 12<sup>th</sup> day of December, 2012.

11 *s/ Thomas O. Rice*

12 THOMAS O. RICE  
13 United States District Judge  
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